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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 001028

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SUBJECT: ABACHA LOOT: GON AND FAMILY SAID CLOSE TO AGREEMENT

CLASSIFIED BY AMBASSADOR HOWARD F. JETER. REASON: 1.5(D)

11. (U) According to some newspaper reports, the family of the late General Sani Abacha has agreed to return to the GON approximately USD 1.2 billion. The media accounts are not clear on whether this sum consists entirely of "new" money or might include certain amounts frozen earlier but subject to ownership litigation.

12. (C) According to a well-informed contact from Kano who cited Abacha's younger brother Kadiri as his source, the talks began soon after the Obasanjo Government assumed power, with once-and-present Attorney-General Godwin Kanu Agabi in the lead for the GON. Representing the Abachas were Sokoto politician and former Presidential aspirant Umaru Shinkafi, Abacha-era Minister Muhammad Kaloma Ali and Nigeria's one-time UN PermRep, Yusuf Maitama Sule. Source said the talks had stalled over the middlemen's demands for commissions and Mohammed Abacha's unwillingness to part with any money. The source opined that some means clearly had been found to compensate the middlemen; he understood the Abachas would be allowed to keep about USD 300 million.

13. (C) COMMENT: When the late Chief Bola Ige succeeded Agabi at the Ministry of Justice in mid-2000, he chose not to pursue the talks. Denied bail after his indictment for murder in Lagos State, Mohammed Abacha has languished in jail (sometimes in Kirikiri Prison in Lagos and sometimes at Kuje Prison outside Abuja). Attempts by his family to turn the bail denial into a political issue were only partly successful despite their reportedly having spent considerable amounts of money to obtain favorable media treatment from some outlets and to underwrite a large poster campaign in several cities. According to a source who visits Mohammed occasionally, the Abacha scion at first was supremely confident he would ultimately be freed and thus was uninterested in cutting a deal. However, there are credible reports that his health began to deteriorate late last year and suggestions that his mother, having lost her first son, Ibrahim, to a plane crash, did not want to risk Mohammed also. Agabi's return to MOJ offered both the GON and the Abachas an occasion to reopen negotiations. END COMMENT.

14. (C) A second Kano-based source confirmed that the talks were near conclusion and cited Shinkafi, Kaloma Ali and one of Abacha's erstwhile political advisers, Sule Yahaya Hamma, as intermediaries. Asked about Maitama Sule, source commented that Maitama's standard of living exceeded his means, so he was always nosing around for money and might have insinuated himself into the process to that end. This source said he understood the Abachas stood to retain about USD 500 million, and the middlemen would be "settled" for their efforts. The USD 1.2 billion, source continued, consisted mostly of funds physically taken from the Central Bank of Nigeria which Abacha had wanted dispersed abroad as a hedge against sanctions. He had entrusted the money to his son's custody, but, after Sani Abacha died, Mohammed Abacha reportedly claimed the GON had no proof the money had not been his father's lawful property and refused to part with any of it.

15. (C) The final step, the second source continued, was for the GON to sign the agreement. The decision had been made that Vice President Atiku Abubakar would take on that responsibility, source noted, adding that he was expected to do so upon his return from the U.S. o/a April 8. The source noted that part of the deal

was to insulate the Abachas from any future liability for past actions and to permit them to "participate fully in the political process."

16. (C) COMMENT: While recovering USD 1.2 billion would help the GON sustain its foreign exchange reserves and balance its cashflow during the upcoming electoral cycle, letting the Abachas "get away" with several hundred million dollars will be controversial when details of the agreement leak to the public. The GON figure who signs off on this deal may be called before the court of public opinion, notably in southern Nigeria. Even their home city of Kano, support for the Abachas is not overwhelming.  
JETER